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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

BCB CHEYENNE LLC d/b/a BISON)	
BLOCKCHAIN, a Wyoming limited liability)	
Company,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 23-CV-79
)	
MINEONE WYOMING DATA CENTER,)	
LLC, a Delaware limited liability company;)	
MINEONE PARTNERS LLC, a Delaware)	
limited liability company; TERRA CRYPTO)	
INC., a Delaware corporation; BIT ORIGIN,)	
LTD, a Cayman Island Company;)	
SONICHASH LLC, a Delaware limited)	
liability company; BITMAIN)	
TECHNOLOGIES HOLDING COMPANY,)	
A Cayman Island Company; BITMAIN)	
TECHNOLOGIES GEORGIA LIMITED,)	
a Georgia corporation; and JOHN DOES 1-18,)	
related persons and companies who control)	
or direct some or all of the named Defendants,)	
)	
Defendants.)	

**TIM DESROCHERS' NOTICE OF COMPLIANCE WITH THE COURT'S
 ORDER CONCERNING JURISDICTIONAL DISCOVERY [ECF 154] AND
 TEXT ORDER CONCERNING THE SEVEN-HOUR DEPOSITION OF TIM
 DESROCHERS [ECF 159] AND UNOPPOSED MOTION THAT TIM DESROCHERS'
 DEPOSITION TRANSCRIPT, ANY DEPOSITION EXHIBITS, AND THE PARTIES'
 JURISDICTIONAL MEMORANDA BE FILED AS NON-PUBLIC DOCUMENTS**

COMES NOW Tim Desrochers, through his counsel, Patrick Murphy, and gives notice to the Court that Mr. Desrochers has complied with Judge Rankin's 3/27/24 Order for the production of Mr. Desrochers' responsive documents to Defendant MineOne's document subpoena [ECF 128-1], and that Mr. Desrochers provided his seven-hour deposition testimony to all counsel on April 23, 2024 pursuant to Magistrate Stephanie Hambrick's 4/17/24 Text Order for his Zoom deposition [ECF 159]. In support of this Notice, Tim Desrochers shows the Court as follows:

1. On Friday, April 5, 2024, Tim Desrochers, through his counsel, provided 373 pages of responsive documents to all counsel, [DESROCHERS 00007-379] pursuant to MineOne's 2/28/24 document subpoena.

2. On Monday, April 8, 2024, Tim Desrochers, through his counsel, provided an additional 1,012 pages of responsive documents to all counsel, [DESROCHERS 380-1391] pursuant to MineOne's 2/28/24 document subpoena.

3. On Monday, April 15, 2024, Tim Desrochers through his counsel, provided an additional 53 pages of responsive documents to all counsel, [DESROCHERS 01392-1444] pursuant to MineOne's 2/28/24 document subpoena.

4. On Monday, April 22, 2024, Tim Desrochers through his counsel, provided an additional 2 pages of responsive documents to all counsel, [DESROCHERS 01392-1444] pursuant to MineOne's 2/28/24 document subpoena.

5. Thus, before giving his seven-hour Zoom deposition on April 23, 2024, Tim Desrochers provided 1,440 total pages of documents to Defendants' counsel. These documents included partially-redacted copies of Mr. Desrochers' 2020-2022 federal income tax returns, 2020-2022 K-1's, W-2 Statements, and 1099's, medical records, dental patient ledger, automobile insurance policies, PostNet documents, an HSA and beneficiary designations, employment

documents, banking records, credit card statements, investment documents and tax records, and personal text messages with friends.

6. Defendants’ counsel took Mr. Desrochers’ Zoom deposition on April 23, 2024. We were “on the record” for seven hours and nine minutes. *See “Exhibit 1.”* Paula Colbath examined Mr. Desrochers for approximately 4½ hours; Marc Gottlieb examined Mr. Desrochers for approximately ½ hour; Patrick Murphy examined Mr. Desrochers for approximately 2 hours; and Khale Lenhart chose not to examine Mr. Desrochers.

7. Plaintiff BCB and Tim Desrochers both anticipate that the parties will file Tim Desrochers’ 298-page deposition with the Court, as well as many of his deposition exhibits. The Parties’ domicile briefing will contain references to Mr. Desrochers’ deposition exhibits which have all been marked “CONFIDENTIAL” as agreed to in the 12/6/23 *Stipulated Protective Order* (ECF 74). Mr. Desrochers and Plaintiff BCB believe that the parties’ domicile briefing,¹ Mr. Desrochers’ deposition transcript, and any of Mr. Desrochers’ deposition exhibits should be filed as non-public documents pursuant to the *Stipulated Protective Order* and U.S.D.C.L.R. 5.1(g).

8. The reason these personal, financial and confidential documents of Tim Desrochers should be filed as non-public documents is two-fold: (1) Tim Desrochers is a third-person to this suit; he is not a party to the case; and (2) all of these domicile documents contain Tim Desrochers’ personal, financial, health, tax, banking, credit card, and investment information and documents, and the public should not be allowed access to this information under U.S.D.C.L.R. 5.1 (protecting personal privacy). The Court must have access to all of this information to resolve the question of ‘which state’ Tim Desrochers was domiciled – Colorado or Texas – as of May 3, 2023, but there

¹ Judge Johnson ordered Defendants to file their domicile brief by May 10; Plaintiff to file its domicile brief by May 17; and the Court will hear the parties’ oral arguments on May 22, 2024. Plaintiff anticipates filing its domicile brief by May 13 or 14, 2024.

is no compelling reason for the public to have access to any of Tim Desrochers' personal, financial, health, banking, credit card, tax, or investment information and documents.

9. In its 12/6/23 Stipulated Protective Order, the Court earlier ordered that documents designated by the Parties shall be filed as non-public documents. The Stipulated Protective Order says as follows in Paragraph 11:

Whenever any document or pleading designated as "CONFIDENTIAL" or "CONFIDENTIAL – ATTORNEYS' EYES ONLY" is filed with the Court, such document or pleading *shall be filed as non-public* and marked as follows: "CONFIDENTIAL" or "CONFIDENTIAL – ATTORNEYS' EYES ONLY" IN ACCORDANCE WITH A PROTECTIVE ORDER ENTERED IN THIS MATTER, THE ENCLOSURE(S) SHALL BE TREATED AS CONFIDENTIAL AND SHALL NOT BE SHOWN TO ANY PERSON OTHER THAN THOSE PERSONS AUTHORIZED TO RECEIVE SUCH INFORMATION PURSUANT TO THE PROTECTIVE ORDER.

[ECF 74, pp. 7-8 of 17, ¶ 11] (emphasis added).

10. At the commencement of Tim Desrochers' deposition, Patrick Murphy advised all counsel that Mr. Desrochers' entire deposition was being marked as CONFIDENTIAL – FOR ATTORNEYS EYES ONLY, pursuant to the Court's 12/6/23 Stipulated Protective Order [ECF 74]:

Q: MR. MURPHY: Paula, this is Pat. I would like to state on the record that this deposition is – all of it is being marked as confidential, for attorney's eyes only, pursuant to the December 6, 2023, stipulated protective order.

And as I advised counsel earlier, we will be making a motion with the Court to file not only the deposition and all of its testimony, but all of the exhibits under seal with the Court. Thank you.

MS. COLBATH: And as we discussed off the record, the MineOne parties object to the attorney's eyes only designation.

And we will follow – we don't consent to the motion, and we will follow the procedure in the stipulated protective order: the documents that were produced and – have all of the confidential material redacted and left only an address.

And we don't believe that that's subject to an attorney's eyes only designation. So we will proceed accordingly.

See “**Exhibit 1**,” pp. 10-11.

11. On May 8, 2024, Patrick Murphy, counsel for Plaintiff BCB and Tim Desrochers, conferred by Zoom with Defendants' counsel – Paula Colbath and Sean Larson for MineOne Wyoming Data Center, LLC and Terra Crypto, Inc., and Marc Gottlieb for Bit Origin, Ltd. and SonicHash, LLC, to ask if those counsel would stipulate and/or not oppose to this Motion.

12. Khale Lenhart earlier advised that Bitmain Georgia does not oppose this Motion. Paula Colbath and Marc Gottlieb advised that they would not oppose the Motion if Plaintiff and Mr. Desrochers would remove their previous designation of Tim Desrochers' deposition transcript, any deposition exhibits, and any domicile Memoranda as “CONFIDENTIAL – ATTORNEYS EYES ONLY,” and re-designate those documents as “CONFIDENTIAL” documents under the 12/6/23 Stipulated Protective Order. [ECF 74]. Patrick Murphy agreed to do this, and Mr. Murphy sent Defendants' counsel his confirmatory conferral e-mail (“**Exhibit 2**”) moments after counsel finished their Zoom conferral call. Ms. Colbath then replied, saying that the MineOne Defendants agree with [Mr. Murphy's summary of the conferral agreements].

13. Mr. Murphy is authorized to represent to the Court that Defendant Bitmain Georgia takes no position on this Motion, and the other four Defendants do not oppose or object to this Motion. *See* “**Exhibit 2**.”

WHEREFORE, Plaintiff BCB and non-party Tim Desrochers move the Court for its Order, before the Defendants file their jurisdictional Briefs, that Tim Desrochers' deposition transcript, any exhibits from Tim Desrochers' deposition, any domicile Memoranda, and any domicile related documents, that all parties file all of their domicile/jurisdictional Memoranda, Tim Desrochers' deposition testimony, Tim Desrochers' deposition exhibits, and any other Tim Desrochers'

domicile documents as non-public documents pursuant to Rule 5.1(g), U.S.D.C.L.R. A [proposed]
Order granting this Motion is filed with this motion.

DATED this 8th day of May, 2024.

BCB CHEYENNE LLC d/b/a
BISON BLOCKCHAIN, Plaintiff

By: /s/ Patrick J. Murphy
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CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing document was delivered to the Court via the CM/ECF System and served upon counsel via CM/ECF electronic transmission this 8th day of May, 2024.

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/s/Patrick J. Murphy
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